

REMARKS

Claims 1-10, 13-15, and 18-21 are now in this application. Claims 1-17 are rejected. Claims 1 and 9-11 are objected to. Claims 11, 12, 16, and 17 are cancelled. Claims 1, 4-10, and 13-15 are amended herein to clarify the invention, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues. New claims 18-21 are added.

The Examiner objects to the drawings under 37 C.F.R. § 1.83(a) for failing to show every feature of the invention specified in the claims. It is stated that the drawings do not show the ranking features of claims 4 and 5 and the plurality of player according to claim 7.

Please find accompanying this amendment a replacement sheet for Fig. 10 wherein the text "RANK PAWAPURO-KUN'S DATA" is amended to read as follows:

RANK PAWAPURO-KUN ACCORDING TO LEVELS OF
ORIGINAL CHARACTERS TRAINED BY GAME PLAYERS[.]

This is not new matter because the action of ranking by levels is supported in the original specification at pages 21 and 22, and by claims 4 and 5. Furthermore, new Fig. 15 is added which presents steps ST75A and ST75B which present alternative embodiments of step ST75 shown in Fig. 13. Step ST75 recites

"DISPLAY LOCKER ROOM SCREEN." This screen is shown in Fig. 7 and is the screen wherein an opponent team is selected from a list. Step ST75A of Fig. 15 is supported by the text of claim 5 and the text at page 21, fourth full paragraph. Step ST75B of Fig. 15 is supported by the text of claim 6 and the text at page 21, fifth full paragraph. Furthermore, the Examiner's attention is directed to the fourth full paragraph of page 21 wherein it is related that the ranking is done based on levels relating abilities of the players. Accordingly, no new matter is added.

With regard to the subject matter relating to a plurality of players recited in claim 7, the Examiner's attention is directed to Fig. 8 wherein a team consisting of a plurality of players is shown on the screen display. Furthermore, the text of the last sentence of the first full paragraph of page 13 and the text at page 22, second full paragraph support claim 7.

In view of the added drawing, drawing amendment, and above remarks identifying support in the specification, reconsideration of the objection to the drawings and withdrawal thereof are earnestly solicited.

The title is objected to in the Office Action as being nondescriptive. The title is amended to read "GAME METHOD FOR EFFECTING AGING OF COMPETING CHARACTERS INDEPENDENT OF GAME PLAYER PARTICIPATION" to overcome this objection. It is respectfully submitted that the

amended title is sufficiently descriptive. Applicant respectfully requests that the objection to the title be withdrawn.

Claims 1 and 9-11 are objected to due to various informalities. Claims 1, 9 and 10 are now amended to address the informalities substantially in accordance with the Examiner's helpful suggestions. Claim 11 is cancelled. Withdrawal of the objections is respectfully requested.

Claims 4 and 5 are rejected under 35 U.S.C. § 112, first paragraph, as not being enabled by the specification. Applicant herein respectfully traverses this rejection. The Office Action states that the portion of the game system which ranks the characters in accordance with level is not present "by definition or procedure and further the manner in which the rank is determined from this level is also not represented."

The determination of enablement turns on whether the specification contains a sufficient disclosure to enable one skilled in the art to practice the invention without the exercise of undue experimentation. What constitutes undue experimentation is determined using a standard of reasonableness. Factors to be considered include the quantity of experimentation necessary, the amount of direction or guidance presented, the existence of working examples, the state of the prior art, the nature of the invention, the predictability of the art and the breadth of the claims. *Ex parte Forman*, 203 U.S.P.Q. 546 (BPAI 1986).

The claims now recite that "said original characters trained independently by said game players are ranked according to levels based on said physical characteristic data thereof." As noted above Fig. 10 is amended and Fig. 15 is added to address this feature. Support for these changes is identified above. In particular, the fourth full paragraph of page 21 relates that the ranking is done based on levels relating abilities of the players. Furthermore, the text at lines 21-24, page 6, identifies ranking based on capabilities and that this is done by the character data modification unit 307.

Enablement is not precluded if some experimentation is necessary and a patent need not teach, and preferably omits, what is well known in the art. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 231 U.S.P.Q. 81 (Fed. Cir. 1986). Since various physical characteristics are disclosed, such as strength and athletic ability, it is respectfully submitted that one skilled in the art of software game design would readily be able to implement a ranking method, based on possibly means or averages of the levels but not necessarily limited thereto, without undue experimentation based on a reading of the specification as filed. Therefore, reconsideration of the rejection claims 4 and 5 and the objection to the specification are earnestly solicited.

Claims 1-15 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject

matter of the invention as a result of informalities stated in the Office Action. The claims are amended to remove or correct the informalities noted in the Office Action. Therefore, reconsideration of the rejection of claims 1-15 and their allowance are earnestly requested.

Claims 1-3, 6, 9, 11-17 are rejected as obvious over the Ng reference in view of the Yen reference, reference under 35 U.S.C. §103(a). Claims 4 and 5 are rejected as obvious over the Ng reference in view of the Yen reference, and further in view of the Sparks reference under 35 U.S.C. §103(a). Claim 8 is rejected as obvious over the Ng reference in view of the Yen reference, and further in view of the McNaughton reference under 35 U.S.C. §103(a). Claim 10 is rejected as obvious over the Ng reference in view of the Yen reference, and further in view of the Hanai reference under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

Claims 1 and 13 are amended to respectfully incorporate subject matter of claims 11, 12 and claims 16, 17, relating to the physical characteristic data of the original players based on age being changed based on the monitoring of time by the server even when the game players are not playing. When a game player resumes playing a game, he will notice that the game character he was playing with no longer

functions the same as from a previous game. The game character will have aged and have become bit slow or less active when the game was resumed because the physical characteristic data is changed. Alternatively, the game character may have grown and have exhibited better ability and strength when the game was resumed. These features are related in new claims 18-21.

The Yen reference discloses in lines 50-55 on column 6 a continuity of the data on a server. One notable example is a market value of the stock price, which changes according to the passage of time irrespective of the participation of clients. It goes on to mention that natural disaster will continue to occur, companies will continue to come and go. However, the added feature to claim 1 is not just the data which changes according to the passage of time but is the physical characteristic data which relates to age of the original character on the server. This is not suggested by the reference.

Ng discloses an age of a fighter (a game character) in columns 6 & 7 and a factor affected by the age disclosed in Ng is a retirement (see lines 38+ on column 7, a fighter turning to 30 retires). Ng is silent about physical characteristics changing such as the physical strength and the athletic ability changing according to the passage of time regardless of the participation of the player in a game.

It is respectfully submitted that the other proffered combinations of references cannot render the rejected claims obvious because the secondary

references does not provide the teaching noted above that is absent from the Ng and Yen references. Thus, the combinations of prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejections of claims 1-10 and 13-15 and their allowance are respectfully requested.

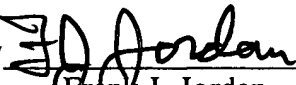
Dependent claims 18-21 are added and are submitted as patentable over the cited art of record and are submitted as patentable based on the subject matter cited therein in addition to the subject matter of their respective base claims. In particular claims 18 and 21 relate that physical strength and athletic ability change while claims 19 and 21 relate that based on age and time passage, those characteristics increase until a peak age is reached after which they decrease. There is no similar teaching the cited references.

For the convenience of the Examiner, APPENDIX I is provided herewith having a complete set of pending claims with all amendments effected therein.

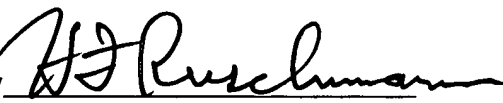
Applicant respectfully requests a two month extension of time for responding to the Office Action. Please charge the fee of \$420.00 for the extension of time to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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enc: Replacement drawing sheet of Fig. 10 and added drawing sheet of Fig. 15.